

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEANA HENRY,

Plaintiff,

- against -

STEVEN GERSHAN, JAMES KIM and
DREAM NJ, INC.,

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>2/1/2021</u>

20-cv-6133 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On December 22, 2020, I issued an order directing Plaintiff Seana Henry to file and serve, by January 11, 2021, an affidavit giving the details necessary under relevant case law to demonstrate her domicile at the time she commenced this action and at the time of removal to this Court. (Doc. 11.) On January 15, 2021, I again directed Plaintiff to file such an affidavit by January 22, 2021. (Doc. 13.) Plaintiff has failed to respond, file an affidavit, or appear in this action.

In the interim, Defendants James Kim and Dream NJ, Inc. (“Dream”) have filed affidavits that seem to establish that Defendant Kim is domiciled in New Jersey, and that Dream’s place of incorporation and principal place of business is in New Jersey. (*See* Doc. 12.) Defendant Steven Gershan has likewise filed an affidavit that seems to establish that his domicile is in New Jersey. (*See* Doc. 16.)

The only item preventing me from determining whether removal is proper is Plaintiff’s failure to submit the affidavit that I have twice directed Plaintiff to submit. If Plaintiff fails to submit this affidavit by February 8, 2021, or otherwise demonstrate that she intends to prosecute

this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

Accordingly, it is hereby:

ORDERED that on or before February 8, 2021, Plaintiff is directed to file and serve an affidavit giving the details necessary under relevant case law to demonstrate her domicile at the time she commenced this action and at the time of removal to this Court.

SO ORDERED.

Dated: February 1, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written with a large, prominent "V". The last name "Broderick" is written in a more compact, cursive style. The signature is positioned above a horizontal line.

Vernon S. Broderick
United States District Judge